

FILED

JUN 27 2011


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

JAMES GEIER,

Civ. No. 11-1015

Plaintiff,

v.

STANDARD INSURANCE COMPANY,

**NOTICE OF REMOVAL
OF CIVIL ACTION
TO UNITED STATES
DISTRICT COURT**

Defendant.

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA:

Defendant Standard Insurance Company ("Standard") respectfully petitions this Court for removal of the above-entitled case from the District Court of the State of South Dakota for the County of Edmunds, to the United States District Court for the State of South Dakota pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441(a) and allege as follows:

1. This action is being removed to federal court based upon diversity of citizenship jurisdiction.
2. Plaintiff has filed the above-entitled action in the District Court of the State of South Dakota, County of Edmunds. Standard first received a copy of the Summons and Complaint on or about May 31, 2011. Thirty days after such first receipt of service by Petitioner has not yet expired.

3. The aforesaid state court action is a suit of a wholly civil nature of which the United States District Court for the State of South Dakota has original jurisdiction under 28 U.S.C. § 1332(a)(1) and is one that may be removed by Standard pursuant to the 28 U.S.C. 1441(a) in that:

- (a) At the commencement of this action and at all times therein mentioned, Standard was and now is a corporation duly organized and existing under and by virtue of the laws of the State of Oregon. By reason of the foregoing, Standard is a resident and citizen of a state other than South Dakota;
- (b) Upon information and belief, Plaintiff is a resident of the County of Edmunds, State of South Dakota;
- (c) Therefore, the matter in controversy as between Plaintiff and Standard was at the commencement of this action and now is one in which complete diversity of citizenship exists;
- (d) The matter in controversy between Plaintiff and Standard, exclusive of interest and costs, exceeds the sum of \$75,000.00.

4. Attached to this Notice, marked Exhibit "A" and incorporated herein by reference, are true and correct copies of all pleadings served upon Standard.

WHEREFORE, Defendant Standard Insurance Company removes this action from Edmunds County, State of South Dakota to the United States District Court for the District of South Dakota.

Dated this 27 day of June, 2011.

BEARDSLEY, JENSEN & VON WALD,
Prof. L.L.C.

By: _____

Brad J. Lee

4200 Beach Dr., Ste. 3
P.O. Box 9579
Rapid City, South Dakota 57709
Telephone: (605) 721-2800
Facsimile: (605) 721-2801

VERIFICATION

I, Brad J. Lee, declare as follows:

I am the attorney for Standard Insurance Company, have read the foregoing Notice of Removal of Civil Action to United States District Court and know the contents thereof. I am informed and believe that the matters stated therein are true and on that ground allege that the matters stated therein are true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 27 day of June, 2011, at Rapid City, South Dakota.



Brad J. Lee